

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Significant Revision Issued Under 401 KAR 52:020
AIR QUALITY PERMIT

Permittee Name: Catlettsburg Refining, LLC
Mailing Address: P.O Box 1492
Catlettsburg, KY 41129

Source Name: Same as above.
Mailing Address: Same as above.

Source Location: Immediately south of the I-64 & U.S. 23 intersection and
West of the Big Sandy River

Permit Number: VS-03-005
Log Number: 55616
Review Type: Significant Revision
Source ID #: 21-019-00004

Regional Office: Division For Air Quality
Ashland Regional Office
1550 Wolohan Drive; Suite 1
Ashland, KY 41102-8942

County: Boyd

Application
Complete Date: April 4, 2003
Issuance Date: April 4, 2003
Expiration Date: April 4, 2008

John S. Lyons, Director
Division for Air Quality

Revised 12/09/02

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>	<u>DATE OF ISSUANCE</u>
A. PERMIT AUTHORIZATION	1	April 4, 2003
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	2	April 4, 2003
C. INSIGNIFICANT ACTIVITIES	7	April 4, 2003
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	8	April 4, 2003
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	10	April 4, 2003
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS	11	April 4, 2003
G. GENERAL PROVISIONS	14	April 4, 2003
H. ALTERNATE OPERATING SCENARIOS	19	April 4, 2003
I. COMPLIANCE SCHEDULE	19	April 4, 2003

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The Permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the Permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**Portable boiler #3**

Description: Temporary Indirect Heat Exchanger
Primary fuel: Refinery fuel gas and/or natural gas
Rated capacity: 85.5 mmBtu/hr (LHV) / 95 mmBtu/hr (HHV)
Date constructed: March 2003
Controls: Flue Gas Recirculation

Portable boiler #4

Description: Temporary Indirect Heat Exchanger
Primary fuel: Refinery fuel gas and/or natural gas
Rated capacity: 85.5 mmBtu/hr (LHV) / 95 mmBtu/hr (HHV)
Date constructed: Proposed for April 2003
Controls: Flue Gas Recirculation

Portable boiler #5

Description: Temporary Indirect Heat Exchanger
Primary fuel: Refinery fuel gas and/or natural gas
Rated capacity: 85.5 mmBtu/hr (LHV) / 95 mmBtu/hr (HHV)
Date constructed: Proposed for April 2003
Controls: Flue Gas Recirculation

Portable boiler #6

Description: Temporary Indirect Heat Exchanger
Primary fuel: Refinery fuel gas and/or natural gas
Rated capacity: 85.5 mmBtu/hr (LHV) / 95 mmBtu/hr (HHV)
Date constructed: Proposed for April 2003
Controls: Flue Gas Recirculation

Portable boiler #7

Description: Temporary Indirect Heat Exchanger
Primary fuel: Refinery fuel gas and/or natural gas
Rated capacity: 85.5 mmBtu/hr (LHV) / 95 mmBtu/hr (HHV)
Date constructed: Proposed for April 2003
Controls: Flue Gas Recirculation

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

APPLICABLE REGULATIONS:

401 KAR 59:005, General provisions

401 KAR 59:015, New indirect heat exchangers constructed on or after April 9, 1972

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc, Standards of performance for industrial-commercial-institutional steam generating units with a heat input capacity of 29 MW (100 mmBtu/hr) or less and 2.9 MW (10 mmBtu/hr) or greater which commenced construction, modification, or reconstruction after June 9, 1989.

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart J, Standards of performance for petroleum refineries.

1. Operating Limitations:

- a. As per the application, the Permittee shall only fire natural gas or refinery fuel gas in Portable boilers #3 through #7.

Compliance Demonstration Method:

See Specific Recordkeeping Requirements below.

- b. The Permittee shall not operate Portable Boilers #3 through #7 beyond October 31, 2003.

Compliance Demonstration Method:

See Specific Recordkeeping Requirements below.

- c. The Permittee shall only operate Portable Boilers #3 through #7 during maintenance outages of any of the fourteen (14) boilers that were at the refinery site prior to March 21, 2003.

Compliance Demonstration Method:

See Specific Recordkeeping Requirements below.

2. Emission Limitations:

- a. The Permittee shall not cause to be discharged into the atmosphere from each portable boiler particulate matter in excess of 0.10 lb/mmBtu actual heat input, based on a 3-hour average. [401 KAR 59:015, Section 4 (1)(b), Standard for Particulate Matter]

Compliance Demonstration Method:

Each portable boiler is assumed to be in compliance at all times when only natural gas and/or refinery fuel gas is combusted.

- b. The Permittee shall not cause to be discharged into the atmosphere from each portable boiler emissions which exhibit greater than twenty (20) percent opacity, based on a 6-minute average, except as allowed by 401 KAR 59:015, Section 4(2)(b) and (c). [401 KAR 59:015, Section 4 (2), Standard for Particulate Matter]

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance Demonstration Method:**

Compliance may be determined using Reference Method 9 testing during natural gas combustion. Each portable boiler is assumed to be in continuous compliance between reference method testing at all times when only natural gas is combusted.

- c. Pursuant to 401 KAR 60.005 and 40 CFR 60.104(a)(1), the Permittee shall not cause to be combusted in Portable boilers #3 through #7 any fuel gas that contains hydrogen sulfide (H₂S) in excess of 230 mg/dscm (0.10 gr/dscf).

[40 CFR 60.104(a)(1)]

"...(a) No owner or operator subject to the provisions of this subpart shall:

(1) Burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H₂S) in excess of 230 mg/dscm (0.10 gr/dscf)."

Compliance Demonstration Method:

Pursuant to the emission monitoring requirements contained in 401 KAR 59:005, Section 4 (see Appendix F); 401 KAR 59:015, Section 7 (see Appendix G); and 40 CFR 60.105(a)(4), the permittee shall monitor hydrogen sulfide (H₂S) concentration in the fuel gas via continuous monitoring systems located at each fuel gas drum necessary to characterize the sulfur content of the fuel gas being burned. The continuous monitoring systems shall use reference Method 11 or an alternate method approved by the Division. The averaging time for H₂S in fuel gas shall be a three (3) hour rolling average. Fuel gas streams complying with an alternative monitoring plan approved by U.S. EPA pursuant to 40 CFR 60.13(i) shall be exempt from the requirement for a continuous monitoring system.

[40 CFR 60.105(a)(4)]

"...(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this subpart as follows:

(4) In place of the SO₂ monitor in paragraph (a)(3) of this section, an instrument for continuously monitoring and recording the concentration (dry basis) of H₂S in fuel gases before being burned in any fuel gas combustion device.

(i) The span value for this instrument is 425 mg/dscm H₂S.

(ii) Fuel gas combustion devices having a common source of fuel gas may be monitored at only one location, if monitoring at this location accurately represents the concentration of H₂S in the fuel gas being burned.

(iii) The performance evaluations for this H₂S monitor under §60.13(c) shall use Performance Specification 7. Method 11 shall be used for conducting the relative accuracy evaluations."

- d. The Permittee shall not cause to be discharged into the atmosphere from each portable boiler any gases which contain sulfur dioxide in excess of 0.8 lb/mmBtu actual heat input, based on a 3-hour average, and based on the total heat input of natural gas burned. [401

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS,

AND OPERATING CONDITIONS (CONTINUED)

KAR 59:015, Section 5 (1)(b) and (3), Standard for Sulfur Dioxide]

Compliance Demonstration Method:

In order to demonstrate compliance with the sulfur dioxide limits of 401 KAR 59:015, the permittee shall monitor Portable Boilers #3 through #7 as follows:

- i. A fuel gas sample shall be collected from each fuel gas drum necessary to characterize the heating value of the fuel combusted in each portable boiler once every eight (8) hour shift. Each sample shall be analyzed separately to determine the lower heating value of the fuel gas. In the event that a situation occurs which prevents collection or analysis of a sample required herein and which qualifies as a force majeure event defined as any event arising from causes not reasonably foreseeable and beyond the control of the permittee or the permittee's contractors or consultants, the resolution of the failure to collect or analyze the sample shall be that the requirement for the sample shall be waived by the Division. The remaining sample(s) for that day shall be utilized to determine compliance with the daily standard for heating value in fuel gas. The permittee shall maintain records of the force *majeure* event and shall make them available to division personnel upon request.
- ii. Fuel gas flow shall be determined daily for each portable boiler by correcting the boiler fuel gas flow meter data for fuel gas molecular weight and pressure.
- iii. Each portable boiler is assumed to be in compliance at all times when only natural gas is combusted.

3. Testing Requirements:

The Permittee shall conduct Reference Method 9 performance tests (with a 6-minute average of 24 observations) during natural gas combustion and/or refinery fuel gas combustion to determine the opacity of stack emissions as requested by the Division. [401 KAR 59:015, Section 8 (1)(f) Test Methods and Procedures]

4. Specific Monitoring Requirements:

The Permittee shall determine the heating value of natural gas and/or refinery fuel gas once during the operational period of each of the Portable Boilers #3 through #7. The analysis may be performed by the Permittee, a service contractor retained by the Permittee, the fuel vendor, or any other qualified agency.

5. Specific Recordkeeping Requirements:

- a. The Permittee shall record and maintain records of the amount of natural gas and refinery fuel gas combusted during each day. [40 CFR 60.48c (g), Reporting and recordkeeping requirements]
- b. All data necessary to calculate flue gas flowrate, oxygen and moisture content shall be retained for five years and shall be retrievable and made available to Division personnel upon request.
- c. The Permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of each portable boiler. [401 KAR 59:005, Section 3 (2). Notification and Recordkeeping]

**SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS,
AND OPERATING CONDITIONS (CONTINUED)**

- d. The Permittee shall maintain a file of all measurements, including performance testing measurements; adjustments and maintenance performance on this system or device; and all other required information recorded in a permanent form suitable for inspection. All records required under this section shall be maintained by the Permittee for a period of 5 years following the date of such record. [401 KAR 59:005, Section 3 (4). Notification and Recordkeeping; 40 CFR 60.48c (i); and General Condition F.2 of SECTION F of this permit]

6. Specific Reporting Requirements:

- a. The Permittee shall submit notification of the date of construction, anticipated startup, and actual startup. This notification shall include: [40 CFR 60.7, 40 CFR 60.48c (a)]
 - i. The design heat input capacity of each portable boiler. [40 CFR 60.48c (a)(1)]
 - ii. The annual capacity factor at which the Permittee anticipates operating each portable boiler based on firing natural gas. [40 CFR 60.48c (a)(3)]
- b. The Permittee shall furnish the Division with written notification as follows: [401 KAR 59:005, Section 3 (1)(a)-(d), Notification and Recordkeeping]
 - i. A notification of the date that construction, reconstruction, or modification of each portable boiler is commenced, postmarked no later than thirty (30) days after such date
 - ii. A notification of the anticipated date of initial startup of each portable boiler postmarked not more than sixty (60) days nor less than thirty (30) days prior to such date
 - iii. A notification of the actual date of initial startup of the portable boiler postmarked within fifteen (15) days after such date, and
 - iv. A notification of any physical or operational changes to the portable boiler, which may increase the emission rate of any air pollutant to which a standard applies. This notice shall be postmarked sixty (60) days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Division may request additional relevant information subsequent to this notice.

7. Specific Control Equipment Operating Conditions: None

8. Alternate Operating Scenarios: None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the Permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**1. Operating Limitations:**

Maximum total heat input to Portable Boilers #3 through #7 shall not exceed 475 MMBtu/hr (HHV), daily average.

Compliance Demonstration Method:

The permittee shall demonstrate compliance by calculating daily heat input rate and 365-day rolling sum heat input rate for each portable boiler. Heat input rate for each portable boiler shall be calculated using daily average heating value, based on the arithmetic mean of the measured heating values for at least three samples per calendar day, and daily average fuel gas flow rate, based on the arithmetic mean of all hourly flow measurement values for the calendar day. All data necessary to calculate fuel gas flow rate shall be retained for five years and shall be retrievable and made available to Division personnel upon request.

2. Emission Limitations:

- a. The Catlettsburg Refinery shall not allow the emissions of nitrogen oxides from all boilers to exceed 276.70 lbs/hr, based on a rolling 30-day average.
- b. The Catlettsburg Refinery shall not allow the emissions of carbon monoxide from all boilers to exceed 86.22 lbs/hr, based on a rolling 30-day average.
- c. The Catlettsburg Refinery shall not allow the emissions of particulate matter from all boilers to exceed 80.28 lbs/hr, based on a rolling 30-day average.
- d. The Catlettsburg Refinery shall not allow the emissions of sulfur dioxide from all boilers to exceed 970.20 lbs/hr, based on a rolling 30-day average.

Compliance Demonstration Method:

- a. The Permittee shall demonstrate compliance daily by summing emissions of nitrogen oxides to show the emissions of nitrogen oxides from all boilers do not exceed 276.70 lbs/hr based on a 30 day rolling average.
- b. The Permittee shall demonstrate compliance daily by summing emissions of carbon monoxide to show the emissions of carbon monoxide from all boilers do not exceed 86.22 lbs/hr based on a 30 day rolling average.
- c. The Permittee shall demonstrate compliance daily by summing emissions of particulate matter to show the emissions of particulate matter from all boilers do not exceed 80.28 lbs/hr based on a 30 day rolling average.
- e. The Permittee shall demonstrate compliance daily by summing emissions of sulfur dioxide to show the emissions of sulfur dioxide from all boilers do not exceed 970.20 lbs/hr based on a 30 day rolling average.
- f. The Permittee shall calculate for each day and for each boiler, in lbs per hour, the daily emissions of carbon monoxide, nitrogen oxides, particulate matter, and sulfur dioxide.
- g. Emissions of carbon monoxide and sulfur dioxide from the FCCU CO Boiler and the RCCU North/South HRU's shall be based upon data obtained from CEMS.
- h. Emissions of particulate matter from the FCCU CO Boiler and the RCCU North/South HRU's shall be based on emission rates of 26.4 and 50.07 lbs/hr, respectively.
- i. Except as provided by Paragraphs f and g of this section, emissions of carbon monoxide and particulate matter shall be based upon emission factors of 0.084 lb/MMBtu heat input

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

(HHV) and 0.0076 lb/MMBtu heat input (HHV), respectively.

- j. Except as provided by Paragraph f of this section, emissions of sulfur dioxide shall be based upon data obtained from fuel gas H₂S CEMS.
- k. Emissions of nitrogen oxides from the FCCU CO Boiler, the RCCU North/South HRU's, Boiler No. 4, and Boiler No. 12 shall be based upon data obtained from CEMS.
- l. Emissions of nitrogen oxides from Boiler No. 10 shall be determined using an emission factor of 0.16 lb/MMBtu (HHV).
- m. Emissions of nitrogen oxides from Boiler No. 11 shall be determined using an emission factor of 0.17 lb/MMBtu (HHV).
- n. Emissions of nitrogen oxides from the Portable Boilers #3 through #7 shall be determined using an emission factor of 0.036 lb/MMBtu (HHV), based on manufacturer's guarantee.
- o. Emissions of nitrogen oxides from Boiler No. 1, Boiler No. 5, Boiler No. 6, Boiler No. 7, Boiler No. 8, Portable Boilers #1 and #2 shall be determined using an emission factor of 0.10 lb/MMBtu (HHV), based on manufacturer's guarantee.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the Permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the Permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the Permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the Permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the Permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality
Ashland Regional Office
1550 Wolohan Drive, Suite 1
Ashland, KY 41102-8942**

**U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

10. In accordance with 401 KAR 52:020, Section 22, the Permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the Permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements**

1. The Permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the Permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The Permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The Permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the Permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the Permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in the permit and
 - (b) Non-applicable requirements expressly identified in this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:02+0 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the Permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new Permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the Permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.

SECTION G - GENERAL PROVISIONS (CONTINUED)

3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
5. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the Permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.
7. Pursuant to Section VII 1.(2 and 3) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), if a demonstration of compliance, through performance testing was made at a production rate less than the maximum specified in the application form, then the Permittee is only authorized to operate at a rate that is not greater than 110% of the rate demonstrated during performance testing. If and when the facility is capable of operation at the rate specified in the application, compliance must be demonstrated at the new production rate if required by the Division.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the Permittee demonstrates through properly signed contemporaneous operating

SECTION G - GENERAL PROVISIONS (CONTINUED)

logs or relevant evidence that:

- a. An emergency occurred and the Permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the Permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 3. In an enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The Permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the Permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the Permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None